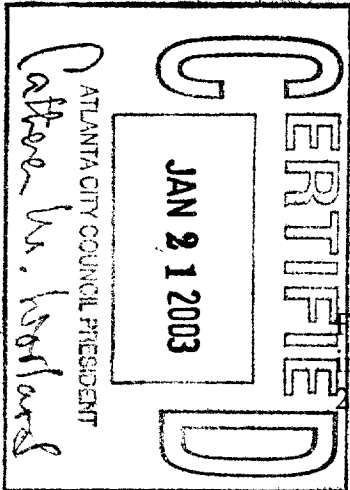


Entered - 11/15/02 - sb  
CL02L0811 - DIANNE C. MITCHELL

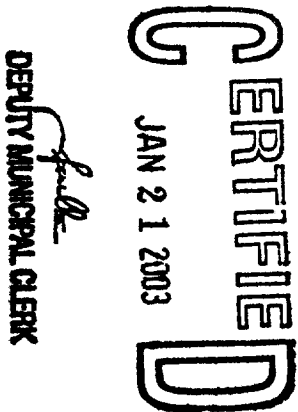
03-*R*-0008

CLAIM OF: **JERRY DICKERSON AND JERRY  
DICKERSON PRESENTS, INC.,**  
through their attorney,  
Henry R. Bauer, Jr.  
5881 Glenridge Drive  
Plaza 400, Suite 160  
Atlanta, Georgia 30328



For damages alleged to have been sustained as a result of the City's  
interference with the claimants' contractual rights on December 6,  
2001 at 55 Trinity Avenue, SW.

THIS ADVERSE REPORT IS APPROVED



BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

AD  
CITY COUNCIL JAN 21 2003

## ADVERSE REPORT

COMM: Public Safety  
DATE: 1-14-03  
CHAIR: [Signature]  
[Signature]  
C. T. Mailin  
Clara [Signature]  
Mary Perwood  
[Signature]



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

January 31, 2003

Henry R. Bauer, Jr.  
5881 Glenridge Drive  
Plaza 400  
Suite 160  
Atlanta, GA 30328

03-R-0008

RE: Jerry Dickerson and Jerry Dickerson  
Presents, Inc.

Dear Attorney Bauer:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 21, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 02L0811

Date: December 5, 2002

Claimant /Victim JERRY DICKERSON AND JERRY DICKERSON PRESENTS, INC.  
BY: (Atty) Henry R. Bauer, Jr.  
Address: 5881 Glenridge Drive, Plaza 400, Suite 160, Atlanta, Georgia 30328  
Subrogation: Claim for Property damage \$ 2,000,000.00 Bodily Injury \$             
Date of Notice: 11/15/02 Method: Written, proper X Improper             
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)             
Date of Occurrence 12/06/01 Place: 55 Trinity Avenue, SW  
Department Mayor Division:             
Employee involved            Disciplinary Action:           

NATURE OF CLAIM: The claimant alleges that it lost revenues and profits when the City renewed the lease agreement for the Chastain Park Amphitheater. However, the claimant had previously filed a lawsuit against the City to resolve the issues raised in this claim, in which the City prevailed. Furthermore, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

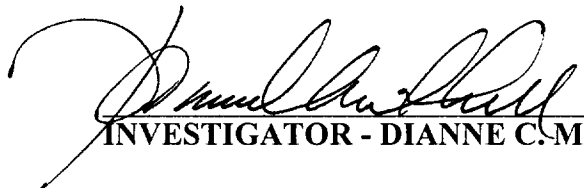
**INVESTIGATION:**

Statements: City employee X Claimant            Others            Written            Oral X  
Pictures            Diagrams            Reports: Police            Dept Report            Other             
Traffic citations issued: City Driver            Claimant Driver             
Citation disposition: City Driver            Claimant Driver           

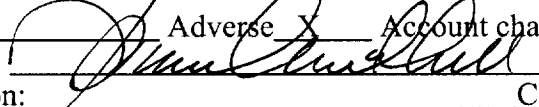
**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial             
Improper Notice            More than Six Months X Other X Damages reasonable             
City not involved            Offer rejected            Compromise settlement             
Repair/replacement by Ins. Co.            Repair/replacement by City Forces             
Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$            Adverse X Account charged: 1A01            2J01            2H01            2P01             
Claims Manager:  Concur/date 12-05-02  
Committee Action:            Council Action

RCS# 4404  
1/21/03  
3:19 PM

Atlanta City Council

Regular Session

CONSENT 1                      Pgs. 1-8; Except 03-R-0035; 03-R-0050

ADOPT

YEAS:    11  
NAYS:    0  
ABSTENTIONS: 0  
NOT VOTING: 5  
EXCUSED: 0  
ABSENT    0

Y Smith	NV Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

<b>1/21/03 FULL COUNCIL MEETING</b>	
<b>Items Adopted on the Consent Agenda</b>	<b>Items Adversed on the Consent Agenda</b>
1. 02-O-2129	24. 03-R-0003
2. 03-O-0040	25. 03-R-0004
3. 02-O-2132	26. 03-R-0005
4. 02-O-2133	27. 03-R-0006
5. 02-O-2128	28. 03-R-0007
6. 03-O-0047	29. 03-R-0008
7. 03-R-0029	30. 03-R-0009
8. 03-R-0030	31. 03-R-0010
9. 03-R-0025	32. 03-R-0011
10. 03-R-0032	33. 03-R-0012
11. 03-R-0036	34. 03-R-0015
12. 03-R-0058	35. 03-R-0016
13. 03-R-0059	36. 03-R-0017
14. 02-R-1137	37. 03-R-0018
15. 02-R-1628	38. 03-R-0019
16. 02-R-1874	39. 03-R-0021
17. 03-R-0031	40. 03-R-0022
18. 03-R-0046	41. 03-R-0023
19. 02-R-2056	42. 03-R-0024
20. 03-R-0001	
21. 03-R-0002	
22. 03-R-0013	
23. 03-R-0014	

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Consent I Vote: 11 Yeas; 0 Nays: (See RCS #4404/Reconsidered; See RCS # 4376 for Initial Vote & RCS #4403 for vote to Reconsider)  
 Items Removed from the Consent Agenda: 03-R-0035 & 03-R-0050